

Court Cautions U.S. On Military Spies

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RICHMOND, Va., Jan. 15 (UPI)—A federal appeals court has warned the government against using military personnel as undercover agents in civilian criminal cases.

The 4th U.S. Circuit Court of Appeals issued the warning in its ruling Monday on a 1972 case in which court records showed that three Marines were recruited by a special

Treasury Department agent to purchase weapons from a civilian couple. The couple, Mr. and Mrs. William L. Walden of Quantico, Va., was convicted of selling firearms to minors and non-residents.

The appeals panel decided that the letter of the law was not violated, and it upheld the Walden convictions. But the court indicated that evidence obtained by military undercover agents may be disallowed in the future.

"We conclude . . . that there was a violation of the regulations," the court said. "But because this case presents the first instance of which we are aware in which illegal use of military personnel in this manner has been drawn into question, we decline to impose the extraordinary rule at this time, or to reverse the judgment."

"We reserve, however, the possibility that such a rule may be called for should repeated cases involving military enforcement of civilian laws demonstrate the need for the special sanction of a judicial deterrent," the court said.